

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	SPARER et al.)	Group Art Unit:	1618
)		
Serial No.:	10/640,853)	Examiner:	James W. Rogers
Confirmation No.:	9178)		
)		
Filed:	August 13, 2003)		
)		
For:	ACTIVE AGENT DELIVERY SYSTEMS, MEDICAL DEVICES, AND METHODS			

NOTICE OF APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 27, 2010, of the Examiner rejecting claims 89, 91-104, 134-138, and 140-150 of the above-identified application under 37 C.F.R. §§1.113 and 1.191. Please charge PTO Deposit Account No. 13-4895 in the amount of \$ 0 to cover the Notice of Appeal fee. Applicants previously paid \$1520 in appeal fees in the present application without a final Board decision (\$500 on July 11, 2007; \$510 on January 29, 2008; and \$510 on March 28, 2008). Pursuant to M.P.E.P. §1204.01, Applicants submit that the previously paid appeal fees may be applied to the \$540 fee for the present Notice of Appeal. Please charge any additional fees or credit any over-payment to PTO Deposit Account No. 13-4895.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of September 2010.

By: Dani Mondz

Name: Dani Mondz

Respectfully submitted

By

Mueing, Raasch & Gebhardt, P.A.

P.O. Box 581336

Minneapolis, MN 55458-1336

Phone: (612)305-1220

Facsimile: (612)305-1228

Customer Number 26813

Date

Sept. 27, 2010

By: Ann M. Mueing

Ann M. Mueing; Reg. No. 33,977

Direct Dial (612)305-1217